IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

WP(C).No. 24940 of 2007(R)

PETITIONER:

MOHAMMED ALI, AGED 66 YEARS,
S/O.ISMAIL RAWTHER, KARIPPALI,
PATTANCHERRY, THATHAMANGALAM, CHITTUR TALUK.

BY ADV. SRI.P.R.VENKETESH

RESPONDENTS:
----

1. **THE SPECIAL SALE OFFICER,**
   THATHAMANGALAM SERVICE COOPERATIVE
   BANK LIMITED NO.P.502, THATHAMANGALAM,
   CHITTUR.

2. **THE ASST.REGISTRAR OF COOPERATIVE**
   SOCIETIES (GENERAL), CHITTUR,
   PALAKKAD DISTRICT.

3. **THATHAMANGALAM SERVICE COOPERATIVE**
   BANK LIMITED NO.P.502, THATHAMANGALAM
   678 102 REPRESENTED BY ITS SECRETARY.

R1 & R2 BY GOVERNMENT PLEADER SRI.P.K.RAVISANKAR
R3 BY ADV. SRI.H.BADARUDDIN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE AWARD PASSED BY THE SALES OFFICER DATED 24.2.2006.

EXT.P2: COPY OF THE NOTICE DATED 26.7.2006 ISSUED UNDER RULE XXII (b) AND (C).

EXT.P3: COPY OF THE NOTICE ISSUED UNDER RULE XXII (7) (d) DATED 27.7.2007.

TRUE COPY

P.A.TO JUDGE

THOTTATHIL B.RADHAKRISHNAN,J

==========

W.P.(C).No.24940 of 2007

==========

Dated this the 24th day of October, 2007

JUDGMENT

The petitioner challenges Ext.P3. He also seeks that the recovery proceedings be set aside, to let him repay the outstanding by rescheduling the repayment.

2. I have heard the learned counsel for the petitioner and the learned counsel for the Co-operative Bank.

3. The claim of the bank is based on arbitration award. That has become final. The recoveries are only in terms of the award. Under such circumstances, I do not find any jurisdictional error or legal infirmity in the impugned action. However, the petitioner could be permitted to pay off the outstandings in instalments.

In view of what is stated above this writ petition is disposed of directing that the impugned recovery proceedings shall stand deferred if the petitioner remits amounts at the rate of

Rs.30,000/- per month payable on or before the last working day of every month commencing from November, 2007 and thereby wipes off the remaining outstandings with accruals thereon. However, if there is any default in remitting any of the instalments as aforesaid, the benefit of this judgment will stand recalled automatically and the respondents will be entitled to forthwith enforce the impugned proceedings and further steps, without any further notice to the petitioner.

THOTTATHIL B.RADHAKRISHNAN, JUDGE

dvs